

ORDINANCE NO. 97-29

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 PALM BEACH COUNTY COMPREHENSIVE PLAN ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR 97-94 U/T 1 (WINSBERG FARM) MODIFY PAGES 93 AND 94 OF THE FLUA BY CHANGING A PARCEL OF LAND APPROXIMATELY 290.2 ACRES GENERALLY LOCATED AT THE INTERSECTION OF JOG ROAD AND FLAVOR PICT ROAD, FROM LOW RESIDENTIAL 3 (LR3) TO 90.2 ACRES OF HIGH RESIDENTIAL 8 (HR8), 15 ACRES OF COMMERCIAL LOW (CL), AND 185 ACRES OF UTILITIES/TRANSPORTATION (UT); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on February 28, March 14, and March 28, 1997, to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public

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1 hearing pursuant to Chapter 163, Part II, Florida Statutes, on
2 March 31 and April 2, 1997, to review the recommendations of the
3 Local Planning Agency, whereupon the Board of County Commissioners
4 authorized transmittal of proposed amendments to the Department of
5 Community Affairs for review and comment pursuant to Chapter 163,
6 Part II, Florida Statutes; and

7 WHEREAS, Palm Beach County received on July 7, 1997, the
8 Department of Community Affairs "Objections, Recommendations, and
9 Comments Report," dated July 3, 1997, which was the Department's
10 written review of the proposed Comprehensive Plan amendments; and

11 WHEREAS, on August 8, 1997, the written comments submitted by
12 the Department of Community Affairs, and the Planning Division's
13 response to the written comments, were reviewed by the Palm Beach
14 County Local Planning Agency to make recommendations regarding
15 adoption of the Comprehensive Plan amendments; and

16 WHEREAS, on September 22, 1997, the Palm Beach County Board of
17 County Commissioners held a public hearing to review the written
18 comments submitted by the Department of Community Affairs and to
19 consider adoption of the amendments; and

20 WHEREAS, the Palm Beach County Board of County Commissioners
21 has determined that the amendments as modified satisfy the concerns
22 addressed in the Department of Community Affairs' "Objections,
23 Recommendations and Comments Report" and comply with all
24 requirements of the Local Government Comprehensive Planning and
25 Land Development Regulations Act.

26 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
27 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

28 Part I. Amendments to the Future Land Use Atlas of the Land
29 Use Element of the 1989 Comprehensive Plan

30 The following amendment to the Land Use Element's Future Land

1 Use Atlas is hereby adopted. A map depicting the amendment is
2 attached to this Ordinance as Exhibit A:

3 A. Future Land Use Atlas pages 93 & 94 are amended as
4 follows:

5 Application No.: 97-94 U/T 1 (Winsberg Farms)

6 Amendment: Low Residential, 3 units per acre (LR-3),
7 to High Residential, 8 units per acre
8 (HR-8) on 90.2 acres; to Commercial
9 Low/HR-8 (CL/8) on 15 acres; and
10 Utilities Transportation (U/T) on 185
11 acres.

12 General Location: West of the future intersection of Jog
13 and Flavor Pict Roads, north and south
14 sides.

15 Size: 290.2 acres

16 B. The amendment is subject to the following conditions:
17

18 1. The following uses shall not be permitted on the
19 subject 290.2 acres:

- 20 a. gas stations;
21 b. fast food restaurants;
22 c. adult entertainment enterprises;
23 d. communication transmission towers.

24 2. The total commercial building area limited to no
25 more than 120,000 square feet, with no single store
26 to exceed 20,000 square feet.

27 3. Height of buildings in areas designated HR-8 shall
28 be limited to no more than 3 stories.

29 4. Entrance signs shall be monument type.

30 5. All lighted signs and parking lot signs shall be

1 non-intrusive with respect to the surrounding
2 communities.

3 6. A six (6) foot high earthen berm shall be placed
4 along the northern and eastern ends of the
5 commercial area.

6 7. Sufficient landscaping shall be installed at the
7 top of the berm to effectively screen the
8 commercial buildings.

9 Any request for a change in these conditions shall require an
10 amendment to the Palm Beach County Comprehensive Plan.

11 Part II. Repeal of Laws in Conflict

12 All local laws and ordinances applying to the unincorporated
13 area of Palm Beach County in conflict with any provision of this
14 ordinance are hereby repealed to the extent of such conflict.

15 Part III. Severability

16 If any section, paragraph, sentence, clause, phrase, or word
17 of this Ordinance is for any reason held by the Court to be
18 unconstitutional, inoperative or void, such holding shall not
19 affect the remainder of this Ordinance.

20 Part IV. Inclusion in the 1989 Comprehensive Plan

21 The provision of this Ordinance shall become and be made a
22 part of the 1989 Palm Beach County Comprehensive Plan. The
23 Sections of the Ordinance may be renumbered or relettered to
24 accomplish such, and the word "ordinance" may be changed to
25 "section," "article," or any other appropriate word.

26 Part V. Effective Date

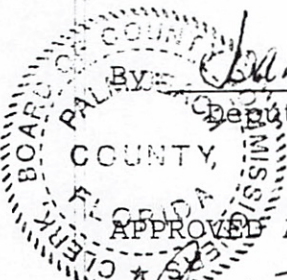
27 The effective date of this plan amendment shall be the date a
28 final order is issued by the Department of Community Affairs or
29 Administration Commission finding the amendment in compliance in
30 accordance with Section 163.3184, Florida Statutes, whichever

1 occurs earlier. No development orders, development permits, or
2 land uses dependent on this amendment may be issued or commence
3 before it has become effective. If a final order of noncompliance
4 is issued by the Administration Commission, this amendment may
5 nevertheless be made effective by adoption of a resolution
6 affirming its effective status, a copy of which resolutions shall
7 be sent to the Department of Community Affairs, Bureau of Local
8 Planning, 2740 Centerview Drive, Tallahassee, Florida 32399-2100.

9 **APPROVED AND ADOPTED** by the Board of County Commissioners of
10 Palm Beach County, on the 22 day of September, 1997.

11 ATTEST:
12 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS



13 Dorothy H. Wilken
14 Deputy Clerk

BY [Signature]
Chair

15 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

16 [Signature]
17 COUNTY ATTORNEY

18 Filed with the Department of State on the 29 day
19 of September, 1997.

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EXHIBIT A

Future Land Use Atlas pages 93 and 94 is amended as follows:

Application No.: 97-94 U/T 1 (Winsberg Farms)

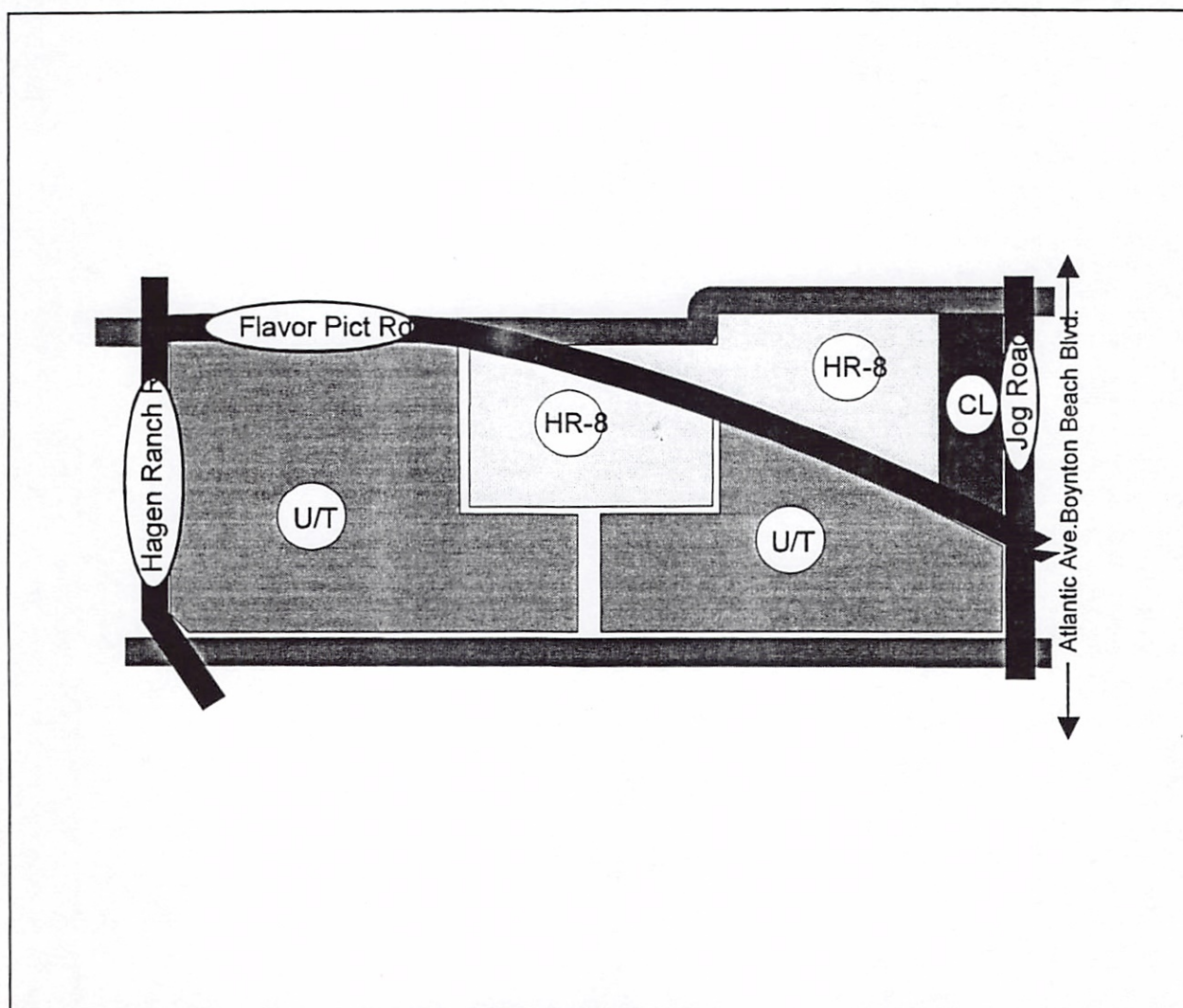
General Location: West of the future intersection of Jog and Flavor Pict Roads, on the north and south sides

Size: 290.2 total acres

Property Number: 42-46-03-00-000-7001 (285.2 acres)
42-46-03-00-000-7010, 42-46-03-00-000-7011 (5 acres)

Amendment Description:

ACRES	LAND USE CHANGE	PROPOSED USE
185 acres	LR-3 to U/T	Conservation Area (175 acres), Right-of-Way (10 acres)
90.2 acres	LR-3 to HR-8	722 dwelling units
15 acres	LR-3 to CL	120,000 square feet of commercial low type uses



STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 9/22/97
DATED at West Palm Beach, FL on 10/8/97
DOROTHY H. WILKEN, Clerk
By: [Signature] D.C.

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